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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

ELECTRONIC FRONTIER FOUNDATION,)
) Case No.: 4:09-cv-03351-SBA
Plaintiff,)
) **Stipulation**
v.)
) No hearing requested
CENTRAL INTELLIGENCE AGENCY, et al.,)
)
Defendants.)

The parties to this action, through their undersigned counsel, have conferred and have reached an agreement with respect to a partial modification of the current deadlines, as set forth in the Court's Order of May 6, 2014 [ECF No. 90], to comply with the Court's Order of September 30, 2013 [ECF No. 81].

Pursuant to this stipulation, the parties agree to partial modification of the current deadlines to comply with the Court's Order of September 30, 2013, as follows:

In the event the parties are unable to resolve their disputes regarding any withheld information, the parties must submit the stipulation required by the Court's Order of September 30, 2013 proposing the timing of further proceedings, by no later than July 10, 2014.

1 Dated: June 5, 2014

Respectfully submitted,

2 /s/ Michelle R. Bennett
3 MICHELLE R. BENNETT (CO Bar No. 37050)
4 *Counsel for Defendants*

5 /s/ Jennifer Lynch
6 JENNIFER LYNCH (SBN 240701)
7 *Counsel for Plaintiff*

8 DECLARATION PURSUANT TO L.R. 5.1

9 I, Michelle R. Bennett, hereby declare that I have obtained Jennifer Lynch's concurrence in the
10 filing of this document.

11 Executed at Washington, D.C. this 5th day of June, 2014.

12 * * * *

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14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15
16 Dated: 6/9/2014

17 
18 The Honorable SAUNDRA B. ARMSTRONG
19 United States District Judge
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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2014, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

/s/ Michelle R. Bennett
MICHELLE R. BENNETT (CO Bar No. 37050)

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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 **ELECTRONIC FRONTIER FOUNDATION,**)
15) Case No.: 4:09-cv-03351-SBA
16 Plaintiff,)
17) **Declaration of Michelle R. Bennett**
18 v.)
19)
20 **CENTRAL INTELLIGENCE AGENCY, et al.,**)
21)
22 Defendants.)

20 1. I am a trial attorney in the Federal Programs Branch of the Civil Division of the
21 United States Department of Justice. The statements in this declaration are based on my personal
22 knowledge and information that I have obtained in my official capacity.

23 2. On November 21, 2011, and April 11, 2012, respectively, Defendants and
24 Plaintiff filed cross-motions for summary judgment [ECF Nos. 63, 76] in this Freedom of
25 Information Act (“FOIA”) case.

1 3. On September 30, 2013, this Court entered an order [ECF No. 81] granting in part
2 and denying in part Defendants' motion for summary judgment and denying Plaintiff's cross-
3 motion for summary judgment.

4 4. The Court's Order requires, *inter alia*, that Defendants release the information
5 that the Court has not determined was properly withheld or provide satisfactory supplemental
6 *Vaughn* indices and declarations. The Court's Order required Defendants to serve Plaintiff with
7 any supplemental materials by no later than sixty (60) days from the date the Order was filed.
8 The Order further required the parties to meet and confer regarding any supplemental materials
9 in an attempt to narrow the documents at issue. If the parties are unable to resolve their disputes
10 regarding any withheld information, the Court's Order required the parties to file a stipulation by
11 no later than thirty (30) days after service of the supplemental materials proposing the timing of
12 further proceedings.

13 5. Pursuant to stipulations by the parties, on November 20, 2013, February 19, 2014,
14 and March 21, 2014, this Court entered orders [ECF Nos. 84, 86, 88] modifying the deadlines set
15 forth in the September 30th Order.

16 6. Defendants produced to Plaintiff supplemental materials responsive to the Court's
17 September 30th Order on March 21, March 25, and April 4, 2014.

18 7. On May 6, 2014, pursuant to a stipulation by the parties, this Court entered an
19 order [ECF No. 90] modifying the deadline set forth in the September 30th Order for the parties
20 to file a stipulation proposing the timing of further proceedings to June 5, 2014.

21 8. The parties seek to enlarge this deadline to July 10, 2014. Plaintiff's counsel is
22 still in the process of reviewing the supplemental materials produced by Defendants. Moreover,
23 the parties have begun to confer regarding narrowing or resolving remaining issues in the case.
24 The case was recently transferred to the undersigned counsel for Defendants, who needs
25 additional time to familiarize herself with the case and the supplemental materials provided to
26 Plaintiff in order to confer with Plaintiff's counsel about questions relating to the supplemental
27 materials. Enlarging the time by which the parties may respond to the Court's September 30th
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1 Order to July 10, 2014 will allow Plaintiff's counsel to complete her review of the supplemental
2 materials and the parties to continue conferring to narrow or resolve remaining issues in the case,
3 potentially lessening the burden on the Court.

4 9. As noted above, the parties have requested four previous enlargements of the
5 deadlines set forth in the Court's Order of September 30, 2013.

6 10. The parties have already completed one round of summary judgment briefing and
7 are working to narrow the remaining issues in the case. Accordingly, the requested extension
8 would not have a significant effect on the schedule for this case.

9 In accordance with 28 U.S.C. § 1746, I declare and affirm under penalty of perjury that
10 the foregoing is true and correct.

11 Executed at Washington, D.C. this 5th day of June, 2014.

12 /s/ Michelle R. Bennett
13 MICHELLE R. BENNETT (CO Bar No. 37050)
14 *Counsel for Defendants*

15
16 CERTIFICATE OF SERVICE

17 I hereby certify that on June 5, 2014, I electronically filed the foregoing document with
18 the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to
19 the counsel of record in this matter who are registered on the CM/ECF system.

20
21
22 /s/ Michelle R. Bennett
23 MICHELLE R. BENNETT (CO Bar No. 37050)